

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 14-7743

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

WILLIE ORLANDO MCKINNON,

Defendant - Appellant.

Appeal from the United States District Court for the District of Maryland, at Baltimore. Catherine C. Blake, Chief District Judge. (1:08-cr-00049-CCB-1; 1:14-cv-03218-CCB)

Submitted: May 21, 2015

Decided: May 26, 2015

Before MOTZ, KING, and WYNN, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Willie Orlando McKinnon, Appellant Pro Se. Rod J. Rosenstein, United States Attorney, Michael Clayton Hanlon, Assistant United States Attorney, Baltimore, Maryland, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Willie Orlando McKinnon seeks to appeal the district court's order dismissing as successive his 28 U.S.C. § 2255 (2012) motion. The order is not appealable unless a circuit justice or judge issues a certificate of appealability. 28 U.S.C. § 2253(c)(1)(B) (2012). A certificate of appealability will not issue absent "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2) (2012). When the district court denies relief on the merits, a prisoner satisfies this standard by demonstrating that reasonable jurists would find that the district court's assessment of the constitutional claims is debatable or wrong. Slack v. McDaniel, 529 U.S. 473, 484 (2000); see Miller-El v. Cockrell, 537 U.S. 322, 336-38 (2003). When the district court denies relief on procedural grounds, the prisoner must demonstrate both that the dispositive procedural ruling is debatable, and that the motion states a debatable claim of the denial of a constitutional right. Slack, 529 U.S. at 484-85.

We have independently reviewed the record and conclude that McKinnon has not made the requisite showing.* Accordingly, we

* We decline to construe McKinnon's notice of appeal and informal brief as an application to file a second or successive § 2255 motion because McKinnon filed such an application parallel to this appeal, and this appeal raises no additional arguments on this issue. See In re Willie McKinnon, No. 15-127 (Continued)

deny a certificate of appealability, deny leave to proceed in forma pauperis, and dismiss the appeal. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

DISMISSED

(4th Cir. Feb. 27, 2015) (unpublished order denying application).